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Attorney for MOGAVERO

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)

Plaintiff,)

V.)

KELLY MOGAVERO,)

Defendant.)

Case No.: 2:15-cr-00074-JAD-NJK

**DEFENDANT'S UNOPPOSED MOTION TO CONDUCT A PRE-PLEA PRESENTENCE
INVESTIGATION REPORT AND PROPOSED ORDER. EXPEDITED TREATMENT
REQUESTED**

COMES NOW, KELLY MOGAVERO by and through her counsel BRIAN J. SMITH,
ESQ. and hereby submits this Defendant's Unopposed Motion to Conduct a Pre-Plea
Presentence Investigation Report and Proposed Order.

DATED this 16th day of November, 2015.

/s/ Brian J. Smith

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STATEMENTS OF FACTS

On March 17, 2015, Ms. Mogavero was indicted with one (1) count of Conspiracy to Distribute Controlled Substance, one (1) count of Possession with the Intent to Distribute Controlled Substance, and one (1) count of Aiding and Abetting. Trial is currently set for March 22, 2016.

The Defense has received the discovery on this matter. Given the fact that Ms. Mogavero might face sentencing enhancements, the parties have agreed to request a pre-plea PSR for Ms. Mogavero. Moreover, the parties wish to determine if the Defendant is Safety Valve eligible. The parties request that the Court order its preparation.

DATED this 16th day of November, 2015.

/s/ Brian J. Smith
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10 **UNITED STATES DISTRICT COURT**

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12 **UNITED STATES OF AMERICA,)**

13 **Plaintiff,)**

14 **V.)**

15 **KELLY MOGAVERO,)**

16 **Defendant.)**
17 _____)

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18 IT IS HEREBY ORDERED that the Department of Parole and Probation shall
19 prepare a pre-plea presentence investigation report for Defendant Kelly Mogavero within
20 thirty (30) days of the date of this Order.

21 DATED this 17th day of November, 2015.

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24 _____
25 JENNIFER A. DORSEY
26 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Law Office of Brian J. Smith, Ltd., and is a person of such age and discretion as to be competent to serve papers. That on November 16, 2015, she served an electronic copy of the above and foregoing **DEFENDANT'S UNOPPOSED MOTION TO CONDUCT A PRE-PLEA PRESENTENCE INVESTIGATION REPORT AND PROPOSED ORDER**, by electronic service (ECF) to the persons named below and via United States Postal Service, first class mail, to the defendant:

DANIEL G. BOGDEN
United States Attorney
District of Nevada
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KELLY MOGAVERO
3430 Monte Carlo
Las Vegas, NV 89121

/s/ Mary Jo Fata
Employee of the
Law Office of Brian J. Smith, Ltd.